

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

Theaquiata Robinson)
vs.)
Plaintiff,)
vs.) Case No. 2:10-cv-02785
Tipton County Board of Education,)
Defendant.)

AND

Tipton County Board of Education,)
vs.) Case No. 2:10-cv-02817
Plaintiff,)
vs.)
Theaquiata Robinson and Bernard Tyrus)
Sturgis, Esq.,)
Defendants.)

Agreed Order for Dismissal

The Parties, *pro se* and by and through counsel, stipulate as follows:

1. On November 16, 2009, Theaquiata Robinson (“T.R.”) initiated a special education due process hearing on behalf of her then-minor son, T.R., alleging that the Tipton County Board of Education (hereinafter “TCBE”) had failed to provide T.R. with a “free appropriate public education” as required by the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq. (“IDEA”).

2. The hearing was convened on June 21.23, 2010 by an Administrative Law Judge who was duly appointed by the Tennessee Secretary of State.
3. On August 30, 2010, the Administrative Law Judge rendered a Final Order finding in favor of TCBE on all issues, and holding that TCBE was the “prevailing party” on all issues.
4. T.R. initiated an appeal of this adverse decision on November 1, 2010. (Case No. 2:10-cv-02875).
5. TCBE, by and through counsel, filed a complaint against T.R. and Tyrus B. Sturgis, her attorney in the due process hearing, seeking an award of attorneys fees, alleging that the underlying complaint was frivolous and filed for an improper purpose. (Case No. 2:10-cv-02817).
6. Sturgis moved to dismiss TCBE’s complaint on the grounds that the claims brought on behalf of T.R. were meritorious, had sufficient evidentiary basis, were warranted by existing law, and had a legitimate chance for success. Sturgis further asserted that the administrative law judge’s decision was unsupported by the facts and law of the case, and that TCBE’s complaint for attorney fees was both improper and premature.
7. The parties have conferred, *pro se* and by and through counsel, and have mutually agreed to withdraw their respective complaints with prejudice in order to avoid additional costs and litigation between the parties.

Premises considered, the parties, by and through counsel, have jointly moved to dismiss the above action with prejudice. THEREFORE, the complaints shall be and hereby are DISMISSED WITH PREJUDICE.

HEREBY ORDERED AND DECREED on this 6th day of August, 2012.



ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

AGREED TO AND SUBMITTED BY:

ATTORNEY FOR TIPTON COUNTY BOARD OF EDUCATION:

/s/ Melinda Jacobs

Melinda Jacobs, TN BPR#011835
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DEFENDANT:

/s/ Tyrus B. Sturgis (w/ permission by Melinda Jacobs)

TYRUS B. STURGIS
Attorney at Law
Bernard Sturgis, LLC
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PLAINTIFF/DEFENDANT:

/s/ Theaquiata Robinson (w/ permission by Melinda Jacobs)

THEAQUIATA ROBINSON, *pro se*
35 Laverne Street
Atoka, TN 38004
Telephone: 901-283-3663

CERTIFICATE OF SERVICE

I do hereby certify that I have this served the within and foregoing document via email and U.S. Mail, properly addressed and postage prepaid, to:

Bernard Tyrus Sturgis, Esq.
Bernard Sturgis, LLC
5399 Playa Vista Drive
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tyrus@bernardsturgis.com
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Ms. Theaquiata Robinson
35 Laverne St.
Atoka, TN 38004
Ar0b1ns0n@aol.com

This 28th day of July, 2012.

Respectfully Submitted,

/s/ Melinda Jacobs

Melinda Jacobs
TN BPR No. 011835

Attorney for Tipton County
Board of Education

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